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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,481	09/22/2003	Peter Oberhans	10901/52	2928

26646 7590 12/16/2005

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EXAMINER	
LAU, TUNG S	

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/668,481	OBERHANS ET AL.	
	Examiner	Art Unit	
	Tung S. Lau	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *4 and 5* is/are allowed.

6)☒ Claim(s) *1-3 and 6-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *See office action*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

DETAILED ACTION

Information Disclosure Statement

1. The information disclose statement filed 11/21/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Item document number 19712622 missing from the application file. Applicant is required to submit a legible copy of document number 19712622. A copy of a signed PTO-1449 attached with this office action.

The information disclose statement filed 11/21/2005 has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 C(1).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, 8, 9, 10, 2, 3, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Spies et al. (U.S. Patent 5,956,659).

Regarding claim 1:

Spies discloses a method for correcting position dependent scanning signals of an incremental position transducer for measuring position, the position dependent scanning signals having deviations from ideal signals expected by a downstream evaluation unit (abstract), comprising: feeding the position dependent scanning signals of the incremental position transducer to a correction unit in response to a signal request (Col. 3, Lines 26-63); the incremental position transducer including a periodic scale structure scanned by a scanning unit (Col. 2, Lines 36-67); linking the position dependent scanning signals in the correction unit to correction data generated in accordance with active values of the scanning signals (fig. 1, unit 5); and exclusively feeding scanning signals for generating correction data to the correction unit for at least one predefined time segment following each request of new scanning signals to be corrected (Col. 3, Lines 1-17, Col. 7, Lines 22-56).

Regarding claim 2:

Spies discloses a method for correcting position dependent scanning signals of an incremental position transducer for measuring position, the position dependent scanning signals having deviations from ideal signals expected by a downstream evaluation unit (abstract), comprising: feeding the position dependent scanning signals of the incremental position transducer to a correction

unit in response to a signal request (Col. 3, Lines 26-63); the incremental position transducer including a periodic scale structure scanned by a scanning unit (Col. 2, Lines 36-67); linking the position dependent scanning signals in the correction unit to correction data generated in accordance with active values of the scanning signals (fig. 1, unit 5); and exclusively feeding scanning signals for generating correction data to the correction unit for at least one predefined time segment following each request of new scanning signals to be corrected (Col. 3, Lines 1-17, Col. 7, Lines 22-56); and Checking the signal requested by a logic device to determine whether the signal request applies to scanning signals that are to undergo a correction in the correction unit or to scanning signals for generating correction data (Col. 2-3, Lines 45-27).

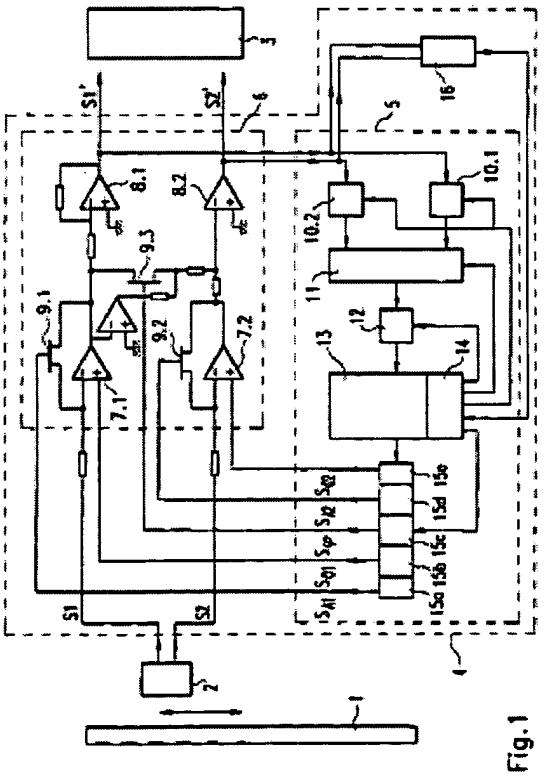

Fig. 1

Regarding claim 11:

Spies discloses a device for correcting position dependent scanning signals of an incremental position transducer for measuring position (abstract), the position dependent scanning signals having deviations from ideal signals expected by a downstream evaluation unit (abstract), comprising: an arrangement configured to perform a method including the steps of: feeding the position dependent scanning signals of the incremental position transducer to a correction unit in response to a signal request (Col. 2-3, Lines 36-15); the incremental position transducer including a periodic scale structure scanned by the scanning unit; linking the scanning position dependent signals in the correction unit to correction data generated in accordance with active values of the scanning signals (Col. 2-3, Lines 36-15); and exclusively feeding scanning signals for generating data to the correction unit for at least one predefined time segment following each request of new scanning signals to be corrected (Col. 3, Lines 1-17, Col. 7, Lines 22-56).

Regarding claim 12:

Spies discloses a device for correcting position dependent scanning signals of an incremental position transducer for measuring position, the position dependent scanning signals having deviations from ideal signals expected by a downstream evaluation unit (abstract), comprising: means for feeding the position dependent scanning signals of the incremental position transducer to a correction unit in response to a signal request the incremental position transducer including a

periodic scale structure scanned by a scanning unit (fig. 1, unit 2); and means for linking the position dependent scanning signals in the correction unit to correction data generated in accordance with active values of the scanning signals (fig. 1, unit 5) ; and means for exclusively feeding scanning signals for generating data to the correction unit for at least one predefined time segment following each request of new scanning signals to be corrected (Col. 2-3, Lines 36-16).

Regarding claim 3, Spies further discloses no signal request for correct unit (Col.2 , Lines 36-63); Regarding claim 6, Spies further discloses digitizing analog signals of the scanning signals before the step of feeding the scanning signals to the correction unit (fig. 1, unit 12); Regarding claim 7, Spies further discloses the correction unit includes feeding at least two scanning signals to be corrected to the correction unit in response to request of scanning signals to be corrected, the two scanning signals being out-of-phase with each other (Col. 1, Lines 41-55, Col. 4, Lines 1-21); Regarding claim 8, Spies further discloses triggering the signal request by at least one of a microprocessor (fig. 1, unit 13) of the correction unit and an external pulse (fig. 1, unit s1, s2); Regarding claim 9, Spies further discloses generating the correction data as a function of active values of the scanning signals in a microprocessor (fig. 1, unit 13); Regarding claim 10, Spies further discloses correcting the scanning signals in accordance with at least one predefined correction algorithm (Col. 2, Lines 36-67) .

Allowable Subject Matter

3. Claims 4 and 5 are allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Independent claims 4 and 5 contain allowable subject matter. None of the prior art of record shows or fairly suggests the claimed invention.

Regarding claim 4:

The primary reason for the allowance of claim 4 is the inclusion of the method steps of the predefined time segment is shorter than a shortest difference in time between two signal requests of a new scanning signal to be corrected. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Regarding claim 5:

The primary reason for the allowance of claim 5 is the inclusion of the method steps of the signal request of scanning signal to be corrected occur in constant time intervals, the predetermined time segment shorter than the constant time intervals. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

5. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 11/21/2005 have been fully considered but they are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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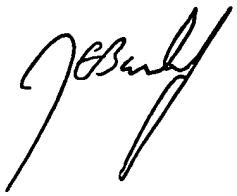

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